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April 15, 2019

Via Online Submission

Regional Freedom of Information Officer
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129
(303) 312-6306

Re: Request for Information Pursuant to the Freedom of Information Act

Dear Regional Freedom of Information Officer:

Please accept this request for all of "Your" "Records" and "Communications," "Relating to" the "Smurfit Mill Site" (all quoted terms here, as well as others, are defined below). These requests are for all Communications and Records **between January 1, 1986 and December 31, 2015 but EXCLUDE anything specifically relating to air quality or air pollution only.** These requests also **exclude** any information that consists of trade secrets, confidential business information, or attorney-client privileged information. Specifically, and pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the undersigned hereby request any and all Records or Communications Relating To:

- 1) Any a) penalty, b) violation, c) finding of violation (FOV), d) notice of violation (NOV), e) failure to comply with any environmental rules or regulations, f) contamination levels, g) environmental remediation, h) finding, i) order, j) assessment, k) investigation, or l) report Relating To: pollution or contamination on, at under or migrating from the Smurfit Mill Site.
- 2) Any complaint, amended complaint, or Consent Decree that You signed Relating To the Smurfit Mill Site.
- 3) Any determination by You Relating To potentially responsible parties ("PRPs") under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), at the Smurfit Mill Site.
- 4) Any insurance Relating To the Smurfit Mill Site.

This request specifically INCLUDES any documents identified in response to request EPA-R8-2018-009529, but not released in response to request EPA-R8-2019-000167.

"Communications" as used herein, means any Record, document, oral statement, meeting, or conference, formal or informal, at any time or place, and under any circumstances

whatsoever, whereby information of any nature was stated, written, recorded, or in any manner transmitted or transferred.

“Records,” as used herein, means: any materials created or obtained by You or under Your control including, but not limited to, any handwritten, typewritten, printed, filmed, tape-recorded, or otherwise recorded matter of whatever character, whether unproduced, produced, reproduced, or on paper, card stock, tape, film, compact disc, DVD, audio cassette, electronic facsimile, computer storage device, cellular or mobile phone, or any other media, including, but not limited to, Communications, documents, letters, memoranda, notes, records, reports, correspondence, e-mails, text messages, contracts, leases, telephone logs or records, diaries, journals, appointment calendars, day planners, bulletins, test results, notices, receipts, invoices, check stubs, deposit slips, promissory notes, studies, charts, graphs, photographs, statements, notebooks, orders, notices of violation, directives, findings of violation, handwritten notes, job descriptions, applications, resumes, agreements, reports of experts, books, ledgers, logs, pamphlets, periodicals, summaries, recording of oral conversations, and work papers, and also including, but not limited to, original and all copies which are different in any way from the originals, whether by interlineations, receipt stamp, notation, indication of copies sent or received or otherwise, and drafts, which are in your possession, custody, or control.

“Relate To” or “Relating to” as used herein, means: referring, relating to, mentioning, regarding, or in any way involving or connected with.

“Smurfit Mill Site” as used herein, means the former Smurfit-Stone Mill paper mill in Frenchtown, Montana with an address of 14377 Pulp Mill Road, Missoula, Montana, EPA ID: MTN000802850 (including that location, and all surrounding contiguous land including the Clark Fork River).


“You” or “Your” as used herein, means the Environmental Protection Agency and all of its divisions, regions, committees and employees.

The above request is not meant to be exclusive of any other Records or Communications that, although not specifically requested, have a reasonable relationship to the subject matter of this request. If you locate any Records or Communications that are not specifically requested but have a reasonable relationship to the subject matter of this request, I ask that those Records or Communications also be produced. If you or your office, have destroyed or decide to withhold any documents that could be reasonably construed to be responsive to this request, we ask that you indicate this fact and the reasons therefore in your response. **The time frame for the Records searched should be between January 1, 1986 and December 31, 2015.**

Please supply this information if fees do not exceed \$950, which we agree to pay. Please notify us if fees exceed \$950, or if you deny any part of our request. If you do deny any part of our request, please specifically cite which exemption you rely on, and notify us of the appropriate appeals process.

If access to the records I am requesting will take longer than a reasonable amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

Sincerely,



Tara L. Goodwin
Richard J. Pratt